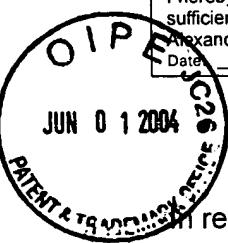


IFW

## CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:  
 Date: May 28, 2004 Name: Steven P. Shurtz Signature: *Steven P. Shurtz/lol*



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**BRINKS  
HOFER  
GILSON  
& LIONE**

In re Appln. of: Robert J. Yatka et al.

Appln. No.: 10/712,114

Filed: Nov. 13, 2003

For: METHOD OF CONTROLLING RELEASE  
OF N-SUBSTITUTED DERIVATIVES OF  
ASPARTAME IN CHEWING GUM AND  
GUM PRODUCED THEREBY

Attorney Docket No: 1391/1561

Examiner: TBA

Art Unit: 1761

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

Sir: Attached is/are:

- Information Disclosure Statement (4 pgs); PTO 1449 (2 pgs) and Supplementary Partial European Search Report for App. No. EP 98 92 6372.  
 Return Receipt Postcard with sufficient postage.

## Fee calculation:

- No additional fee is required.  
 An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).  
 An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Small Entity		Not a Small Entity		
					Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$	Total	\$	

## Fee payment:

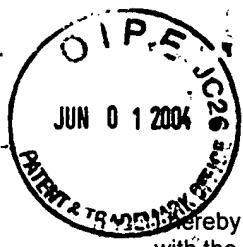
- A check in the amount of \$\_\_\_\_\_ to cover the above-identified fee(s) is enclosed.  
 Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
 The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date

*5/28/04**Steven P. Shurtz/lol*

Steven P. Shurtz, Reg. No. 31,424  
 Brinks Hofer Gilson & Lione  
 P.O. Box 10395  
 Chicago, IL 60610



### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, with sufficient postage, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

May 28, 2004

Date of Deposit

Steven P. Shurtz, Reg. No. 31,424

Name of Applicant, Assignee or  
Registered Representative

Steven P. Shurtz, I.L.

Signature

5/28/04

Date of Signature

Our Case No.: 1391/1561

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ROBERT J. YATKA et al.

Serial No.: 10/712,114

Examiner: TBA

Filing Date: November 13, 2003

Group Art Unit No.: 1761

For: METHOD OF CONTROLLING RELEASE OF  
N-SUBSTITUTED DERIVATIVES OF  
ASPARTAME IN CHEWING GUM AND GUM  
PRODUCED THEREBY

### INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the Examiner and made of record.

The references now cited are the following:

**US PATENTS**

<b>DOCUMENT NUMBER</b> <small>Number-Kind Code (if known)</small>	<b>DATE</b>	<b>NAME</b>
4,139,639	02/13/79	Bahoshy et al.
4,230,687	10/28/80	Sair et al.
4,374,858	02/22/83	Glass et al.
4,384,004	05/17/83	Cea et al.
4,386,106	05/31/83	Merritt et al.
4,515,769	05/07/85	Merritt et al.
4,597,970	07/01/86	Sharma et al.
4,634,593	01/06/87	Stroz et al.
4,645,678	02/24/87	Nofre et al.
4,935,517	06/19/90	Nofre et al.
4,978,537	12/18/90	Song
4,997,659	03/05/91	Yatka et al.
5,112,625	05/12/92	Zibell et al.
5,480,668	01/02/96	Nofre et al.
5,510,508	04/23/96	Claude et al.
5,637,334	06/10/97	Yatka et al.
5,728,862	03/17/98	Prakash
5,773,640	06/30/98	Nofre et al.
5,777,159	07/07/98	Nofre et al.
6,048,999	04/11/00	Pajor et al.
6,129,042	10/10/00	Prakash et al.
US 6,180,156 B1	01/30/01	Prakash et al.
US 6,180,157 B1	01/30/01	Fotos et al.
US 6,214,402 B1	04/10/01	Fotos et al.
US 6,225,493 B1	05/01/01	Prakash et al.
US 6,291,004 B1	09/18/01	Prakash et al.
US 6,331,646 B1	12/18/01	Schroeder et al.
US 2002/0001652 A1	01/03/02	Dron
US 6,365,216 B1	04/02/02	Dron et al.
US 6,365,217 B2	04/02/02	Fotos et al.
US 6,368,651 B1	04/09/02	Gerlat et al.
US 6,372,278 B1	04/16/02	Ishida et al.
US 6,372,279 B1	04/16/02	Ishida et al.
US 2002/0037350 A1	03/28/02	ISHII et al.
US 2002/0081361 A1	06/27/02	Towb et al.
US 6,692,778 B2	02/17/04	Yatka et al.

This Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Information Disclosure Statement. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

This application is a continuation application of U.S. Serial No. 09/731,036, filed December 5, 2000, now U.S. Patent No. 6,692,778, which is relied upon for an earlier filing date under 35 U.S.C. § 120. In accordance with Rule 37 C.F.R. § 1.98(d), only copies of foreign patent documents not previously cited and submitted to the Patent and Trademark Office in the prior application Serial No. 09/731,036, are required to be submitted.

Applicants submit herewith a Supplementary Partial European Search Report received for corresponding patent application No. EP 98 92 6372. Each reference cited in this communication is also cited in this Information Disclosure Statement.

Applicants respectfully request that the listed documents be made of record in  
the present case.

Respectfully submitted,

Steven P. Shurtz  
Steven P. Shurtz  
Registration No. 31,424  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610  
Tel. (312) 321-4200  
Fax (312) 321-4299  
Direct Dial (801) 444-3933



FORM PTO-1449  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (use several sheets if necessary)	SERIAL NO. 10/712,114	CASE NO. 1391/1561
	FILING DATE November 13, 2003	GROUP ART UNIT 1761
	APPLICANT(S): Robert J. Yatka et al.	

**REFERENCE DESIGNATION                    U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER Number-Kind Code (if known)	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
A1	4,139,639	02/13/79	Bahoshy et al.		
A2	4,230,687	10/28/80	Sair et al.		
A3	4,374,858	02/22/83	Glass et al.		
A4	4,384,004	05/17/83	Cea et al.		
A5	4,386,106	05/31/83	Merritt et al.		
A6	4,515,769	05/07/85	Merritt et al.		
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A8	4,634,593	01/06/87	Stroz et al.		
A9	4,645,678	02/24/87	Nofre et al.		
A10	4,935,517	06/19/90	Nofre et al.		
A11	4,978,537	12/18/90	Song		
A12	4,997,659	03/05/91	Yatka et al.		
A13	5,112,625	05/12/92	Zibell et al.		
A14	5,480,668	01/02/96	Nofre et al.		
A15	5,510,508	04/23/96	Claude et al.		
A16	5,637,334	06/10/97	Yatka et al.		
A17	5,728,862	03/17/98	Prakash		
A18	5,773,640	06/30/98	Nofre et al.		
A19	5,777,159	07/07/98	Nofre et al.		
A20	6,048,999	04/11/00	Pajor et al.		
A21	6,129,042	10/10/00	Prakash et al.		
A22	US 6,180,156 B1	01/30/01	Prakash et al.		
A23	US 6,180,157 B1	01/30/01	Fotos et al.		
A24	US 6,214,402 B1	04/10/01	Fotos et al.		
A25	US 6,225,493 B1	05/01/01	Prakash et al.		
A26	US 6,291,004 B1	09/18/01	Prakash et al.		
A27	US 6,331,646 B1	12/18/01	Schroeder et al.		
A28	US 2002/0001652 A1	01/03/02	Dron		
A29	US 6,365,216 B1	04/02/02	Dron et al.		
A30	US 6,365,217 B2	04/02/02	Fotos et al.		
A31	US 6,368,651 B1	04/09/02	Gerlat et al.		
A32	US 6,372,278 B1	04/16/02	Ishida et al.		
A33	US 6,372,279 B1	04//16002	Ishida et al.		
A34	US 2002/0037350 A1	03/28/02	ISHII et al.		
A35	US 2002/0081361 A1	06/27/02	Towb et al.		
A36	US 6,692,778 B2	02/17/04	Yatka et al.		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609;  
 Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449	SERIAL NO. 10/712,114	CASE NO. 1391/1561
<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>	FILING DATE November 13, 2003	GROUP ART UNIT 1761
(use several sheets if necessary)	APPLICANT(S): Robert J. Yatka et al.	

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES      NO
A37					
A38					
A39					
A40					
A41					

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)
A42	
A43	
A44	
A45	
A46	
A47	

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.